

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Roger G. Little, M, et al.

Serial No.: 09/942,021

Filed: August 27, 2001

For: THERAPEUTIC USES OF
BACTERICIDAL/ PERMEABILITY
INCREASING (BPI) PROTEIN
PRODUCTS

Examiner: D. Romeo

Group Art Unit: 1647

Express Mail No. EV 193996813 US

Mailing Date: December 23, 2002

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TECH CENTER 1600/2900

**RESPONSE TO OFFICE ACTION OF NOVEMBER 21, 2002
WITH RESTRICTION REQUIREMENT**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed November 21, 2002, Applicants elect Group III claims. Group III consisted of claims 5, 14, 17, and 27, stated by the Examiner as drawn to a method of inhibiting endothelial cell proliferation by administering a BPI protein product.

Group I consisted of original claims 1, 3, 14, stated by the Examiner as drawn to a method of neutralizing the anticoagulant effect of heparin by administering a BPI protein product; Group II consisted of claims 2, 4, 14, 15, 16, stated by the Examiner as drawn to a method of inhibiting angiogenesis by administering a BPI protein product; Group III consisted of claims 5, 14, 17, 22, stated by the Examiner as drawn to a method of inhibiting endothelial cell proliferation by administering a BPI protein product; Group IV consisted of claims 6, 14, 18, stated by the Examiner as drawn to a method of treating endometriosis by administering a

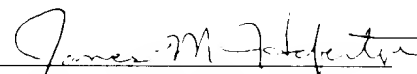
BPI protein product; Group V consisted of claims 7, 14, 19, stated by the Examiner as drawn to a method of contraception by administering a BPI protein product; Group VI consisted of claims 8, 9, 14, 20, 21, stated by the Examiner as drawn to a method of inhibiting tumor cell proliferation by administering a BPI protein product; Group VII consisted of claims 10-13, 14, drawn to a method of treating chronic inflammation by administering a BPI protein product.

Applicants' election of Group III, claims 5, 14, 17 and 27, is hereby made without prejudice to Applicants' right to pursue the non-elected claims in one or more divisional applications.

The Examiner is invited to telephone Applicants' representative if the Examiner believes, for any reason, that personal communication would expedite the prosecution of this application.

Respectfully submitted,

DATED: December 23, 2002


Janet M. McNicholas, Ph.D.
Reg. No. 32,918
James M. Hafertepe
Reg. No. 51,219

McAndrews, Held & Malloy, Ltd.
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PATENT

Attorney Docket No. 11004US08/100-224.P1.C4

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Transmitted herewith for appropriate action are the following:

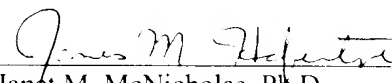
1. A Response to the Office Action with Restriction Requirement mailed November 21, 2002; and
2. A stamped, self-addressed, return-receipt-requested postcard.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

DATED: December 23, 2002

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